ORDER:

Challenging the proceedings dated 27.11.2004 of the third respondent, imposing punishment of removal from service on the petitioner, the present Writ Petition is filed.

Heard both sides. Though several contentions are urged by the learned counsel for the petitioner, it is not necessary to go into the same, in view of the fact that the impugned order is liable to be set aside on the simple ground that principles of natural justice are violated. Admittedly, no show-cause notice proposing to impose the major punishment has been issued to the petitioner. While imposing the major penalty, no man should be condemned unheard. Therefore, there is clear violation of principles of natural justice and the impugned order is liable to be set aside on this ground alone.

It is contended by the learned counsel for the petitioner that an advocate can not be appointed as an officer to conduct enquiry; that no charge memo was issued, no witnesses were examined and n documents were marked. These contentions can not be entertained by this Court at this stage, in exercise of jurisdiction under Article 226 of the Constitution of India, in view of the fact that an alternative remedy is available to the petitioner to challenge the same before the authority under the A.P. Shops and Establishments Act.

Accordingly, the impugned order is set aside and the matter is remitted to the disciplinary authority to give a show-cause notice to the petitioner indicating the proposed punishment depending upon the gravity and thereafter, take appropriate decision in accordance with law.

The Writ Petition is, accordingly, disposed of without expressing any

opinion on other contentions raised by the petitioner. No costs.

06.09.2005 (K.C.Bhanu, J.)

DRK

THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION No. 1724 of 2005

Date: 06.09.2005

Between:

P.Mutyala Rao, s/o. Venkata Swamy,

Secretary, r/o. Vodalarevu, Amalapuram mandal,

E.G. district

…Petitioner

and

1)The District Co-operative Officer, E.G.district

at Kakinada & 2 others

…Respondents